CHAPTER 361

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 14-1202

BY REPRESENTATIVE(S) Scott, Conti, Coram, Everett, Exum, Foote, Ginal, Hamner, Lebsock, Lee, May, Mitsch Bush, Murray, Pabon, Pettersen, Primavera, Ryden, Schafer, Tyler, Young, Ferrandino; also SENATOR(S) Todd and Scheffel, Kefalas, Kerr.

AN ACT

CONCERNING A STUDY OF THE ACCOUNTABILITY REQUIREMENTS FOR SCHOOL DISTRICTS FOR WHICH THE STATE BOARD OF EDUCATION MAY WAIVE STATEWIDE TESTING REQUIREMENTS, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** part 18 to article 2 of title 2 as follows:

PART 18 STANDARDS AND ASSESSMENTS TASK FORCE

2-2-1801. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS THAT:

- (a) The increasing requirements for implementing content standards and administering statewide and local assessments are requiring an increasingly significant amount of time and resources in the school districts and public schools of the state;
- (b) High-quality assessments provide teachers, parents, public schools, and school districts with reliable estimates of student learning that can be used to improve instructional practices. Depending on the assessment, growth data may be generated to estimate how much progress students make during a specific period of time as they progress to higher levels of mastery. While assessments that are common across public schools and school districts generate valuable information about what is possible, what is working well, and what needs to be addressed in the broader educational system, it is valuable to study the efficacy of Colorado's

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

CURRENT STATUTORY ASSESSMENT REQUIREMENTS;

- (c) It is in the best interests of the state to create a task force with representatives of the education community and parents and experts in standards-based education to study the implications of the statewide assessment system for school districts, public schools, educators, and students;
- (d) At a minimum, the study should examine how the statewide assessments required in sections 22-7-409, 22-7-1006, and 22-7-1013, C.R.S., and in part 12 of article 7 of title 22, C.R.S., are administered, how the data obtained from the assessments are used, and the impact of the statewide assessments on local assessment systems, instructional time, and administrative workload;
 - (e) THE STUDY SHOULD ALSO EXAMINE:
- (I) The interaction of the statewide assessments with the educator performance evaluation systems required in article 9 of title 22, C.R.S., and with the statewide accountability system for school districts, the state charter school institute, and public schools as described in article 11 of title 22, C.R.S., including the effectiveness of the statewide assessments in identifying existing achievement gaps;
- (II) THE INTERACTION BETWEEN ASSESSMENTS REQUIRED BY SCHOOL DISTRICTS AND PUBLIC SCHOOLS AND THE STATEWIDE ASSESSMENTS; AND
- (III) THE IMPACT THAT ADMINISTERING BOTH LOCAL AND STATEWIDE ASSESSMENT SYSTEMS HAS ON THE AMOUNT OF TIME STUDENTS SPEND TAKING ASSESSMENTS AND SCHOOL DISTRICTS AND PUBLIC SCHOOLS SPEND PLANNING AND ADMINISTERING ASSESSMENTS.
- **2-2-1802. Definitions.** As used in this part 18, unless the context otherwise requires:
- (1) "AT-RISK STUDENT" MEANS A STUDENT WHO IS ELIGIBLE FOR FREE OR REDUCED-PRICE LUNCH UNDER THE FEDERAL "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.
- (2) "Chairman" means the chairman of the state board of education elected pursuant to section 22-2-105 (4), C.R.S.
- (3) "Charter school" means a charter school of a school district that is authorized pursuant to part 1 of article 30.5 of title 22, C.R.S., or an institute charter school that is authorized by the state charter school institute pursuant to part 5 of article 30.5 of title 22, C.R.S.
- (4) "Department" means the department of education created and existing pursuant to section 24-1-115, C.R.S.
 - (5) "House minority leader" means the leader elected by the minority

CAUCUS OF LEGISLATORS SERVING IN THE HOUSE OF REPRESENTATIVES.

- (6) "Local assessments" means assessments that a school district or charter school adopts and administers pursuant to section 22-7-407, 22-7-1013, or 22-7-1205, C.R.S.
 - (7) "President" means the president of the senate.
- (8) "Senate minority leader" means the leader elected by the minority caucus of legislators serving in the senate.
 - (9) "Speaker" means the speaker of the house of representatives.
- (10) "Statewide assessments" means the assessments administered pursuant to section 22-7-409, 22-7-1006, or 22-7-1205, C.R.S.
- (11) "Task force" means the standards and assessments task force created in section 2-2-1803.

2-2-1803. Standards and assessments task force - appointments - meetings.

- (1) There is created the standards and assessments task force to study the implementation of statewide assessments and local assessments, the feasibility of waiving certain statewide assessment requirements, and accountability for school districts that may receive waivers of certain assessment requirements. No later than July 1,2014, the speaker and the minority leader of the house of representatives, the president and the minority leader of the senate, and the chairman of the state board of education shall appoint the members of the task force as provided in subsection (2) of this section. The appointing authorities shall ensure that the members of the task force represent:
- (a) SCHOOL DISTRICTS AND CHARTER SCHOOLS THAT ARE GEOGRAPHICALLY AND DEMOGRAPHICALLY DIVERSE;
- (b) Public schools that serve various grade levels and operate with various models and missions; and
- (c) Differing education philosophies, expertise, and understanding regarding implementation of educational standards and assessments.
 - (2) THE TASK FORCE CONSISTS OF FIFTEEN MEMBERS APPOINTED AS FOLLOWS:
- (a) Three representatives of school district administrators employed in the state, appointed one each by the speaker, the president, and the chairman. The members appointed pursuant to this paragraph (a) must include at least one member who represents a statewide organization of school district administrators and at least one member who represents a school district that serves a student population of which at least sixty percent are at-risk students.
 - (b) Two representatives of directors serving on school district boards

OF EDUCATION IN THE STATE, INCLUDING BUT NOT LIMITED TO AT LEAST ONE MEMBER WHO REPRESENTS A STATEWIDE ORGANIZATION OF SCHOOL DISTRICT BOARDS OF EDUCATION, APPOINTED ONE EACH BY THE PRESIDENT AND THE CHAIRMAN;

- (c) Two representatives of teachers employed in public schools in the state, including but not limited to at least one member who represents a statewide organization of teachers, appointed one each by the president and the house minority leader;
- (d) Two representatives of charter schools within the state, one of whom represents a statewide organization of charter schools and one of whom represents the governing board of the state charter school institute, appointed one each by the senate minority leader and the chairman;
- (e) Two representatives of parents of children who are enrolled in public schools in the state, including but not limited to at least one member who represents a statewide organization of parents of children enrolled in public schools, appointed one each by the speaker and the senate minority leader;
- (f) Two representatives of the business community in the state, including but not limited to at least one member who represents an organization of businesses, appointed one each by the speaker and the house minority leader;
- (g) One representative of an organization that represents the interests of the student groups that the department has identified as chronically low-performing on statewide assessments, appointed by the speaker; and
- (h) One person who is affiliated with the consortia of states that includes Colorado and that is developing assessments in mathematics and English language arts, appointed by the president.
- (3) (a) The speaker shall convene the first meeting of the task force no later than July 15, 2014, at which meeting the task force members shall select from among the membership a person to serve as chair of the task force. The task force shall meet upon the call of the chair as often as necessary to complete the duties specified in this part 18. The task force may meet within the committee hearing rooms of the state capitol, subject to availability.
- (b) The task force members shall serve without compensation and without reimbursement for expenses.
- (c) If a vacancy occurs on the task force for any reason, the original appointing authority shall appoint a person who meets the requirements of the vacant position to fill the vacancy as soon as possible after the vacancy occurs.

- (4) (a) The department shall provide information and staff support to the task force upon the request of the task force chair to the extent necessary for the task force to complete the duties specified in this part 18. The department shall collect and provide to the task force the data necessary for the task force to consider the issues identified in section 2-2-1804 (1) (a), (1) (b), and (1) (d) and the information necessary for the task force to consider the issues identified in section 2-2-1804 (1) (c), (1) (e), and (1) (f).
- (b) In assisting the task force, the department, to the greatest extent practicable, shall coordinate the work for the task force with the research performed in accordance with any service agreement the department has with a regional comprehensive research center as of the effective date of this part 18.
- **2-2-1804.** Standards and assessments task force duties report. (1) IN COMPLETING THE STUDY REQUIRED IN THIS PART 18, THE TASK FORCE SHALL CONSIDER, AT A MINIMUM, THE FOLLOWING ISSUES:
- (a) THE ADMINISTRATION OF STATEWIDE ASSESSMENTS WITHIN SCHOOL DISTRICTS AND CHARTER SCHOOLS, INCLUDING BUT NOT LIMITED TO:
- (I) The assessment timelines for the 2014-15 school year and school years thereafter;
- (II) THE TOTAL ANNUAL COST TO THE DEPARTMENT AND TO SCHOOL DISTRICTS AND CHARTER SCHOOLS OF PREPARING FOR AND ADMINISTERING THE STATEWIDE ASSESSMENTS;
- (III) THE TOTAL NUMBER OF DAYS REQUIRED TO PREPARE FOR AND ADMINISTER STATEWIDE ASSESSMENTS AND THE TOTAL TIME STUDENTS ANNUALLY SPEND PREPARING FOR AND TAKING STATEWIDE ASSESSMENTS;
- (IV) THE COST TO SCHOOL DISTRICTS AND CHARTER SCHOOLS OF DIVERTING TIME AND RESOURCES TO PREPARATION AND ADMINISTRATION OF STATEWIDE ASSESSMENTS AND AWAY FROM INSTRUCTION;
- (V) THE TIMELINE FOR ADMINISTERING NEW OR ADDITIONAL STATEWIDE ASSESSMENTS; AND
 - (VI) The timeline for receiving statewide assessment results;
- (b) The administration of local assessments by school districts and charter schools, including but not limited to:
- (I) THE LOCAL ASSESSMENTS ADMINISTERED BY SCHOOL DISTRICTS AND CHARTER SCHOOLS TO SUPPLEMENT STATEWIDE ASSESSMENTS;
- (II) The costs to school districts and charter schools of preparing for and administering the local assessments;

- (III) THE LOCAL ASSESSMENT TIMELINES;
- (IV) THE TOTAL NUMBER OF DAYS REQUIRED TO PREPARE FOR AND ADMINISTER LOCAL ASSESSMENTS AND THE TOTAL TIME STUDENTS ANNUALLY SPEND PREPARING FOR AND TAKING LOCAL ASSESSMENTS;
- (V) The cost to school districts and charter schools of diverting time and resources to preparation and administration of local assessments and away from instruction;
- (VI) THE TIMELINE FOR ADMINISTERING NEW OR ADDITIONAL LOCAL ASSESSMENTS;
 - (VII) THE TIMELINE FOR RECEIVING LOCAL ASSESSMENT RESULTS;
- (VIII) THE COST TO A SCHOOL DISTRICT OR CHARTER SCHOOL OF ADMINISTERING, THE TIME REQUIRED TO PREPARE FOR, AND THE TIME STUDENTS ANNUALLY SPEND IN TAKING ASSESSMENTS THAT THE SCHOOL DISTRICT OR CHARTER SCHOOL CHOOSES TO ADMINISTER IN ADDITION TO THE LOCAL ASSESSMENTS; AND
- (IX) THE COMBINED IMPACT OF STATEWIDE AND LOCAL ASSESSMENTS ON CLASSROOM INSTRUCTION;
- (c) The feasibility of allowing school districts and charter schools flexibility regarding statewide requirements for academic performance and flexibility to reduce the amount of duplication in testing caused by administering both statewide and local assessments, including but not limited to the resulting impacts on accountability, comparability of performance among public schools and school districts, and quality of education;
- (d) The ability of school districts and charter schools to implement standards and assessments in compliance with section 22-7-1013, C.R.S., and to implement part 12 of article 7 of title 22, C.R.S., including but not limited to:
- (I) AVAILABLE RESOURCES FOR CREATING OR PURCHASING AND IMPLEMENTING CURRICULA, INCLUDING TEXTBOOKS;
- (II) THE EXTENT OF BROADBAND ACCESS AND THE AVAILABILITY OF TECHNOLOGY WITHIN SCHOOL DISTRICTS AND CHARTER SCHOOLS;
- (III) THE SCHOOL DISTRICTS' AND CHARTER SCHOOLS' PROPORTIONAL USE OF CURRICULA, INCLUDING TEXTBOOKS, BROADBAND, AND TECHNOLOGY, FOR TESTING AND FOR EDUCATIONAL PURPOSES OTHER THAN TESTING; AND
- (IV) The adequacy of staffing and professional development for staff within school districts and charter schools;
- (e) The feasibility and consequences of extending timelines and implementing hold harmless periods in all state accountability systems

FOR SCHOOL DISTRICTS, THE STATE CHARTER SCHOOL INSTITUTE, PUBLIC SCHOOLS, AND EDUCATORS; AND

- (f) The feasibility and consequences of allowing parents to excuse their children from statewide assessment programs without negatively impacting individual school districts, public schools, teachers, or principals. In analyzing this issue, the task force shall consider any available data regarding parents' reasons for excusing their children from statewide assessment programs.
- (2) (a) In conducting the study, the task force shall, at a minimum, seek input from a representative sample of school districts and public schools through the use of techniques such as focus groups, surveys, and interviews. The task force shall apply the information received in making its findings and formulating the recommendations for the final report.
- (b) When considering feasibility with regard to the issues included in the study, the task force, at a minimum, shall consider the expense that the state may incur as a result of a decrease in or loss of federal moneys and the effect that a change in the statewide assessment requirements may have on the state's ability to identify and measure gaps in academic achievement among identified student groups.
- (3) The task force, with assistance from the department, shall prepare a final report of its findings, including legislative recommendations, if any. The task force may prepare a majority report and one or more minority reports. The task force shall present the majority report and minority reports, if any, at a joint hearing of the education committees of the senate and the house of representatives, or any successor committees, which is held no later than January 31, 2015.
 - 2-2-1805. Repeal of part. This part 18 is repealed, effective July 1, 2015.
 - **SECTION 2.** In Colorado Revised Statutes, 22-2-112, **add** (1) (r) as follows:
- **22-2-112. Commissioner duties repeal.** (1) Subject to the supervision of the state board, the commissioner has the following duties:
- (r) (I) To ensure that the department, as required in sections 2-2-1803 (4) and 2-2-1804 (3), C.R.S., assists the standards and assessments task force created in part 18 of article 2 of title 2, C.R.S.
 - (II) This paragraph (r) is repealed, effective July 1, 2015.
- **SECTION 3. Appropriation adjustments to 2014 long bill.** (1) For the implementation of this act, the general fund appropriation made in the annual general appropriation act to the controlled maintenance trust fund created in section 24-75-302.5 (2) (a), Colorado Revised Statutes, for the fiscal year beginning July 1, 2014, is decreased by \$142,750.
 - (2) In addition to any other appropriation, there is hereby appropriated, out of any

moneys in the general fund, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2014, the sum of \$142,750, or so much thereof as may be necessary, to be allocated to the management and administration division for the implementation of this act as follows:

- (a) \$122,750 for preschool to postsecondary education alignment activities; and
- (b) \$20,000 for the purchase of legal services.
- (3) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2014, the sum of \$20,000, or so much thereof as may be necessary, for the provision of legal services for the department of education related to the implementation of this act. Said sum is from reappropriated funds received from the department of education out of the appropriation made in paragraph (b) of subsection (2) of this section.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 6, 2014